

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

PATRICK DEON SOLOMON,)
Plaintiff,)
v.) No. 5:18-CV-531-BO
U.S. ATF MARSHALS, FBI CUSTOMS,)
ATF NARCOTICS, US ARMY, US)
MARINES, and DEA,)
Defendants.)

PATRICK SOLOMON,)
Plaintiff,)
v.) No. 5:18-CV-535-BO
U.S. CUSTOMS and U.S. COAST)
GUARD,)
Defendants.)

ORDER

These causes come before the Court on the memorandum and recommendation of United States Magistrate Judge James E. Gates. [DE 3]. For the following reasons, the Court adopts the M&R, grants plaintiff's motions to proceed *in forma pauperis*, dismisses each action as frivolous, and enjoins plaintiff from filing further actions in the Eastern District of North Carolina without prior authorization from a district judge.

On November 6, 2018, in each of these actions, plaintiff moved *pro se* for leave to proceed *in forma pauperis* under 28 U.S.C. § 1915. [DE 1]. The motions were referred to Judge Gates. In December 2018, Judge Gates entered the instant M&R, recommending that plaintiff's motions to proceed *in forma pauperis* be granted and that the complaints be dismissed as frivolous. Judge Gates further recommended that plaintiff be enjoined from filing any additional actions in the Eastern District of North Carolina without prior authorization from a district judge. *Id.*

A district court is required to review de novo those portions of an M&R to which a party timely files specific objections or where there is plain error. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985). “[I]n the absence of a timely filed objection, a district court need not conduct de novo review, but instead must only satisfy itself that there is no clear error on the

face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (internal quotation and citation omitted).

As plaintiff has not timely filed any objection to the M&R, the Court reviews it for clear error. Plaintiff has filed at least forty-three cases in the Eastern District of North Carolina; nearly all have been dismissed as frivolous. Plaintiff’s most recent complaints are wholly devoid of factual support. Upon a careful review of the M&R and the record, the Court is satisfied that there is no clear error on the face of the record. Accordingly, the Court adopts the conclusions set forth in the M&R. In sum, plaintiff’s motions to proceed *in forma pauperis* is granted, his complaints are dismissed as frivolous, and he is enjoined from filing any additional actions in the Eastern District of North Carolina without prior authorization of a district court judge.

For the above reasons, the memorandum and recommendation of Magistrate Judge Jones [DE 4] is ADOPTED and plaintiff’s complaints are DISMISSED as frivolous. The Clerk is directed to close the case.

It is further ORDERED that plaintiff is ENJOINED from filing any further actions in the Eastern District of North Carolina without prior authorization from a district judge; before commencing a new case, plaintiff must file a motion for leave to file a complaint or, if he is attempting to remove an action from a state court, a motion for leave to file a notice of removal. Plaintiff must attach to the motion for leave both (1) his proposed complaint or notice of removal and (2) a copy of this order. Plaintiff must also either pay the filing fee or file an application for leave to proceed *in forma pauperis*. Upon the filing of these required documents, the Clerk shall open a miscellaneous case. If a district judge deems the action potentially meritorious and determines that the proposed complaint is not vexatious or repetitive, the action may proceed, and

the Clerk shall convert the action to a civil case. Otherwise, the case will be dismissed and sanctions against plaintiff may be warranted.

SO ORDERED, this 11 day of January, 2019.

Terrence W. Boyle
TERRENCE W. BOYLE
CHIEF UNITED STATES DISTRICT JUDGE